



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,959	10/30/2003	Craig C. Hodges	00020.08CON	8482
37485	7590	03/27/2007	EXAMINER	
SWANSON & BRATSCHUN, L.L.C			HAGHIGHATIAN, MINA	
1745 SHEA CENTER DRIVE, SUITE 330			ART UNIT	PAPER NUMBER
HIGHLANDS RANCH, CO 80129			1616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/27/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/696,959	HODGES ET AL.	
	Examiner Mina Haghigian	Art Unit 1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 January 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 and 10-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7, 10-39 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Receipt is acknowledged of the Amendments and Remarks filed on 01/03/07.

Claims 1-3 and 5-6 have been amended, claims 8-9 have been cancelled and new claims 18-39 have been added. Accordingly claims **1-7 and 10-39** are pending.

NOTE: Claims 1, 6, 11, 16, 22, 26, 32 and 37 contain a concentration range that is not disclosed in the specification. Claims 1 and 22 recite "less than 0.1 micron". While specification contains the concentration ranges of "less than 1 micron" and "10 to 100 nm", there is no support for "less than 0.1 micron". Analogously, the ranges of "less than 10 microns" in claims 6 and 26, the range of "less than 2 second" in claims 11 and 32, and the range of "less than 2" in claims 16 and 37 have no support in the specification. Appropriate correction is required.

Double Patenting

The nonstatutory double patenting rejections of U.S. Patent Nos. 6776978, 6716417, 6797259, 6740309, 6743415, 6737042, 6814955, 6805854, 6716415, 6803031, 6759029, 6737043, 6740308, 6740307, 6716416, 6783753, 6780400, 6780399, 6805853 and 6814954 are maintained.

The provisional nonstatutory double patenting rejections of copending Application Nos. 10/815527, 10/816492, 10/768220, 10/766574, 10/813721, 10/767115, 10/816567, 10/766279, 10/766641, 10/814998, 10/718982, 10/769157, 10/769197,

Art Unit: 1616

10/769051, 10/768205, 10/766149, 10/792013, 10/792012, 10/766634, 10766566, 10/768293, 10/791915 and 10775586 are maintained.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

Applicant's arguments filed 01/03/07, with respect to rejection of claims 1-17 under 35USC § 103(a) have been fully considered and are persuasive. The said rejections has been withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mina Haghigatian whose telephone number is 571-272-0615. The examiner can normally be reached on core office hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mina Haghigian
Patent Examiner
March 21, 2007



Johann Richter, P.hD, Esq.
Supervisory Patent Examiner
Technology Center 1600